

DEC 12 2005

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MARGARITA CALDERON-MORALES,

Petitioner,

V.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-74745

Agency No. A29-287-862

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted December 5, 2005^{**}

Before: GOODWIN, W. FLETCHER, and FISHER, Circuit Judges.

Margarita Calderon-Morales, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reopen. We review the denial of a motion to reopen for abuse of

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

discretion, *see Azanor v. Ashcroft*, 364 F.3d 1013, 1018 (9th Cir. 2004), and we deny the petition for review.

The BIA did not abuse its discretion in denying Calderon-Morales's motion to reopen as untimely because she did not file the motion within ninety days of the BIA's final order, *see* 8 C.F.R. § 1003.2(c)(2), and because the motion failed to comply with the requirements set forth in *Matter of Lozada*, 19 I. & N. Dec. 637, 639 (BIA 1988), *see Azanor*, 364 F.3d at 1022 (noting that failure to comply with *Lozada* is significant where the facts underlying petitioner's claim were not plain on the face of the record).

We deny Calderon-Morales's motion to remand, which merely restates arguments she raised in her untimely motion to reopen. *See* 8 C.F.R. § 1003.2(c)(2)

PETITION FOR REVIEW DENIED.